

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: KENNETH W. LOCKE *et al.*

Application No.: 10/601,861

Group Art Unit: 1625

Filed: June 24, 2003

Examiner: Not Yet Assigned

For: Process for making polymorphic form A of 4-[6-acetyl-3-[3-(4-acetyl-3-hydroxy-2-propylphenylthio)propoxy]-2-propylphenoxy]butyric acid

Attorney Docket No. 215233.00400

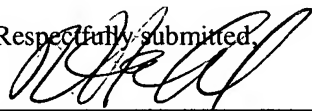
Transmittal Letter

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. Return Receipt Postcard
2. Preliminary Amendment

Applicants believe there is no additional fee due in connection with this filing. However, to the extent required, the Commissioner is hereby authorized to charge any fees due in connection with this filing to Deposit Account 50-1710 or credit any overpayment to same.

Respectfully submitted,



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PRELIMINARY AMENDMENT

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Sir:

Prior to examination, please amend the above-identified application as follows:

IN THE SPECIFICATION

Pages 1 – 2, rewrite section 0007 as follows:

[0007] We have observed that 4-[6-acetyl-3-[3-(4-acetyl-3-hydroxy-2-propylphenylthio)propoxy]-2-propylphenoxy]butyric acid (1), which is Example 33 in Ohashi *et al.*, is orally active for treatment of asthma and allergic diseases and that the solid compound can crystallize into several distinct polymorphs when prepared in bulk. It has been discovered that the crystallization conditions, particularly temperature, is critically important for preparing the different polymorphs.

